

REMARKS

This response is supplemental to Applicants' response filed August 15, 2007 to the rejection under 35 U.S.C. § 102(e) presented in the February 12, 2007 Office Action. Applicants' provided evidence that the invention was made in the United States prior to October 10, 1997. Applicants submit herewith a Declaration that attests that the invention was made in the United States prior to April 18, 1997.

In the Declaration, the inventors state that they obtained the sequence of the extracellular domain of human Robo-1 as set forth in the specification before April 18, 1997. The Declaration establishes that the basic inventive concept of the claimed invention was conceived of and reduced to practice prior to April 18, 1997. Withdrawal of the rejection is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Jean M. Lockyer
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
JML:jml
61178212 v1

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on _____.

PATENT
Attorney Docket No.: 18941H-002911US
Client Ref. No.: B98-006-3

TOWNSEND and TOWNSEND and CREW LLP

By: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOODMAN et al.

Application No.: 10/826,812

Filed: April 16, 2004

For: ROBO: A NOVEL FAMILY OF
POLYPEPTIDES AND NUCLEIC
ACIDS

Customer No.: 20350

Confirmation No. 1573

Examiner: Olga N. Chernyshev, Ph.D.

Technology Center/Art Unit: 1649

**DECLARATION UNDER 37 C.F.R. §
1.131**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We, Corey S. Goodman, Thomas Kidd, Kevin J. Mitchell, and Guy Tear were at the time of the invention employed by the Regents of the University of California, the assignee of the above-referenced patent application.

We are the co-inventors of the subject matter described and claimed therein.

The sequence of the extracellular domain, including amino acid residues 68-167, of human Robo-1 was obtained prior to April 18, 1997. The basic inventive concept of the claimed invention was therefore conceived of and reduced to practice in the United States prior to April 18, 1997

We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Appl. No. 10/826,812
Thomas Kidd, Ph.D.
Declaration under 37 C.F.R. § 1.131

PATENT

Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: _____
Corey S. Goodman

Dated: _____
Thomas Kidd

Dated: _____
Kevin J. Mitchell

Dated: _____
Guy Tear